

STATE OF VERMONT BOARD OF MEDICAL PRACTICE

In re: Susan S. Wiedenkeller, P.A.

)
)
)
)
Docket No. MPN 159-0803

INTERIM CESSATION OF PRACTICE AGREEMENT AND CONSENT ORDER

NOW COME Susan S. Wiedenkeller, P.A. (Respondent), and the State of Vermont, by and through Attorney General William H. Sorrell and Assistant Attorney General James S. Arisman, and agree and stipulate as follows:

1. Susan S. Wiedenkeller, P.A. holds Vermont Certification Number 055-0030389, issued by the Board of Medical Practice on January 30, 1998. Respondent holds physician assistant certifications from the Board for practice at the Gifford Medical Center in Randolph, Vermont.

2. Jurisdiction vests with the Vermont Board of Medical Practice (Board) by virtue of 26 V.S.A. §§ 1353, 1733, 1736 & 1737, and other relevant provisions of Chapter 23 of the Vermont statutes.

I. Background.

3. Respondent was charged on March 31, 2003 with first degree arson, 13 V.S.A. § 502, and second degree arson, 13 V.S.A. § 506, in connection with a structure fire that occurred on or about September 13, 2002 at 103 Van Dyke Road, Strafford, Vermont. The dwelling in question, owned by Respondent, was consumed by fire on or about September 13, 2002. Respondent subsequently made a claim for and received an insurance settlement for fire damage to the dwelling and contents. Following investigation of the circumstances by the

fire investigation unit of the Vermont State Police, Respondent was charged with arson in Orange District Court.

4. Respondent has entered a plea of ~~not guilty~~ to the district court charges against her.¹

5. Respondent has taken a leave of absence from practice activities as a physician assistant.

II. Terms and Conditions of this Agreement.

6. Respondent makes no admission here as to any allegation against her. Respondent wishes to cooperate with the Vermont Board of Medical Practice in its ongoing review of this matter and in its public responsibilities. Therefore, Respondent agrees that until disposition by plea, judgment, or dismissal of the charges against her before the Orange District Court, she shall cease and desist from any and all practice as a physician assistant in the State of Vermont or elsewhere. Pursuant to this interim agreement, Respondent's scope of practice for any and all practice locations in the State of Vermont shall be restricted by Board order implementing Respondent's agreement to cease and desist practice until further order of the Board. 26 V.S.A. § 1737(d)(4).

7. The parties agree that following disposition of the district court charges against her, Respondent shall have the right to petition the Board of Medical Practice for relief from or modification of the above restriction. Respondent shall retain all rights of due process at all times, including the right to a hearing as to any petition filed by her or, alternatively, a hearing

1. Respondent, through counsel, is actively exploring disposition of the district court charges without trial.

as to any formal specification of charges that may be filed by the State in the instant matter now before the Board.

8. Respondent has determined that she shall voluntarily enter into this interim agreement with the Vermont Board of Medical Practice so as to set forth in writing the terms for voluntary cessation of practice by her. Respondent acknowledges that she has had assistance of counsel and has received legal advice and assistance regarding this matter. She agrees and fully understands that by executing this document she is waiving the necessity of any charges or hearing at this time. 3 V.S.A. § 809(d). Thus, Respondent voluntarily and knowingly agrees to the terms and conditions herein.

9. It is agreed by the parties that Respondent has indicated that she already has voluntarily ceased on an interim basis all practice activities as a physician assistant. Respondent agrees that she shall hereafter desist, following execution of this agreement, from any and all such practice in the State of Vermont or elsewhere until further order of the Board.

10. The parties agree that Respondent shall retain all rights to due process regarding the status of her Board certification. Respondent also understands and agrees that her compliance with the terms and conditions herein may be considered in any subsequent proceeding before the Board regarding her certification as a physician assistant.

11. The parties agree that nothing herein shall bar the Vermont Board of Medical Practice at a later date from taking further action with regard to this matter, in its sole discretion. No promises have been made as to final disposition of the instant matter. Further

Board action could include administrative closure, issuance of charges, public hearing, and/or entry of a further order in this matter.

12. Respondent agrees that she has read and carefully considered all terms and conditions of this interim agreement and agrees that these may be adopted as an enforceable order of the Board, pursuant to 3 V.S.A. § 809(d) and 26 V.S.A. § 1737(d), and agrees to accept and be bound by these until such time as she may be expressly relieved of these or until further order of the Board.

13. The parties agree that this Cessation of Practice Agreement and Consent Order shall be a public document, shall be made part of Respondent's licensing file, and may be reported to other licensing authorities and/or entities including, but not limited to, the National Practitioner Data Bank and the Federation of State Medical Boards.

14. This Cessation of Practice Agreement and Consent Order is subject to review and acceptance by the Vermont Board of Medical Practice and shall not become final and effective until presented to and approved by the Board. If the Board rejects any part of this agreement, the entire agreement shall be considered void. However, if this agreement is deemed acceptable, the parties request that the Board enter an order adopting the terms and conditions set forth herein. Respondent agrees that the Board of Medical Practice shall retain continuing jurisdiction in this matter and may act to enforce as necessary the terms and conditions herein.

Dated at Montpelier, Vermont, this 17th day of September, 2003.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

by: [Signature]
JAMES S. ARISMAN
Assistant Attorney General

Dated at Wardsburg, Vermont, this 15 day of September, 2003.

[Signature]
SUSAN S. WIEDENKELLER, P.A.
Respondent

Dated at Wardsburg, Vermont, this 15 day of September, 2003.

[Signature]
KEVIN W. GRIFFIN, Esq.
Counsel for Respondent

FOREGOING, AS TO SUSAN S. WIEDENKELLER, P.A.
APPROVED AND ORDERED
VERMONT BOARD OF MEDICAL PRACTICE

[Signature] James Young
[Signature] Cabell
[Signature] Edmund A. Turner, MD
[Signature] X. Wallace, MD
[Signature] John J. Murray, MD
[Signature] William B. Hughes
[Signature] David W. Carr, MD

DATED: _____

ENTERED AND EFFECTIVE: _____